

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

Walter Farmer,)
)
)
Plaintiff,)
)
)
v.) Civil Action No. _____
)
)
Alpha Technologies, Inc.)
)
)
Defendant.)
)

COMPLAINT

Plaintiff Walter Farmer hereby files this Complaint for patent infringement against Defendant Alpha Technologies, Inc. (“Alpha Technologies”) and alleges as follows:

PARTIES

1. Walter Farmer is an individual with a current residence in Atlanta Georgia.
2. Alpha Technologies is a Washington corporation with a principal place of business at 3767 Alpha Way, Bellingham, Washington 98226. Alpha Technologies can be served through its registered agent: Julie Garcia, 3767 Alpha Way, Bellingham, Washington 98226.

JURISDICTION AND VENUE

3. This is an action under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*
4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this Complaint includes a cause of action for patent infringement under the laws of the United States, 35 U.S.C. § 1 *et seq.*
5. This Court has personal jurisdiction over Defendant Alpha Technologies because Defendant Alpha Technologies is doing business in the State of Georgia and in this judicial district.
6. Venue is proper pursuant to 28 U.S.C. § 1391.

FACTUAL BACKGROUND

7. On April 22, 2008, after a full a fair examination, the United States Patent and Trademark Office issued United States Patent No. 7,362,007 entitled “HYBRID UNINTERRUPTIBLE POWER SUPPLY SYSTEM” (the “’007 Patent”) A true and correct copy of the ’007 Patent is attached hereto as Exhibit A.
8. Walter Farmer owns all right, title and interest to the ’007 Patent, including the right to sue for infringement thereof.

9. Alpha Technologies provides an uninterruptible power supply system under the designation “Micro 1000 USB System.”

10. Alpha Technologies has offered and continues to offer for sale the Micro 1000 USB System.

11. The Micro 1000 USB System infringes one or more claims of '007 Patent, including at least Claim 1 of the '007 Patent.

12. Alpha Technologies infringes the '007 Patent by developing, using, offering to sell and/or selling in the United States or importing into the United States the Micro 1000 USB System.

13. Alpha Technologies has had actual knowledge and/or notice of the '007 Patent from a time prior to the filing of the present Complaint.

14. On information and belief, Alpha Technologies has purposefully, actively and voluntarily offered for sale and sold the Micro 1000 USB System in Georgia and elsewhere. By such acts, Alpha Technologies has injured Walter Farmer and is thus liable to Walter Farmer for infringement of the '007 Patent pursuant to 35 U.S.C. § 271.

15. Walter Farmer will suffer imminent and irreparable injury unless this Court enjoins Alpha Technologies this Court enjoins Alpha Technologies from further acts of infringement.

COUNT I
PATENT INFRINGEMENT

16. The allegations contained in paragraphs 1-15 above are incorporated by reference as if fully set forth herein.
17. The '007 Patent entitled ““HYBRID UNINTERRUPTIBLE POWER SUPPLY SYSTEM,” was duly and properly issued to Walter Farmer by the United States Patent and Trademark Office on April 22, 2008.
18. Alpha Technologies has infringed the '007 Patent.
19. Alpha Technologies activities have been without express or implied license from Walter Farmer, and are willful and in reckless disregard of Walter Farmer's patent rights.
20. As a result of Alpha Technologies activities, Walter Farmer has suffered, and will continue to suffer, irreparable harm for which there is no adequate remedy at law. Walter Farmer is entitled to preliminary and permanent injunctive relief against such infringement under 35 U.S.C. § 283.
21. As a result of Alpha Technologies' infringement, Walter Farmer has been damaged, will further be damaged, and is entitled to compensation for such damage under 35 U.S.C. § 284.

REQUEST FOR RELIEF

WHEREFORE, Walter Farmer respectfully prays for judgment as follows:

- A. Entry of judgment holding Alpha Technologies liable for infringement of the '007 Patent, specifically that Alpha Technologies has infringed the '007 Patent;
- B. An order preliminarily and permanently enjoining Alpha Technologies, its officers, agents, servants, employees, attorneys, all those in active concert or participation with it, and all other parties properly enjoined by law, from continued acts of infringement of the '007 Patent;
- C. Award Walter Farmer damages adequate to compensate for all such unauthorized acts of infringement pursuant to 35 U.S.C. § 284, and treble the damages award by reason of the willful and deliberate nature of Alpha Technologies' acts of infringement also pursuant to 35 U.S.C. § 284;
- D. Declare this case as exceptional within the meaning of 35 U.S.C. § 285, and award Walter Farmer its reasonable attorneys' fees and other costs and expenses as incurred in the prosecution of this action; and
- E. Award such other and further relief as the Court deems just and proper.

JURY DEMAND

Walter Farmer demands a trial by jury on all issues so triable.

Respectfully submitted, this 15th day of September, 2014.

LILENFELD PC

/s/David M. Lilenfeld

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